

### **REMARKS/ARGUMENTS**

In the Advisory Action dated July 22, 2008, the Examiner indicated that the claim amendments of Applicants Amendment and Response to Office Action filed on June 17, 2008 were not entered because they raise new issues that would require further search and consideration. Applicants therefore resubmit those amendments and arguments in this paper so that they may be entered and fully considered by the Examiner.

Claims 7-11 are pending. Claims 1-6 were previously cancelled, and claims 12-20 were previously withdrawn from consideration. Claim 7 is amended.

#### **Claim Rejections**

Claims 7, 8, 10, and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mencacci (US Patent 3,396,721) and further stand rejected under 35 U.S.C. § 102(b) as being anticipated by Simon (US Patent 5,245,989).

Claim 7 is amended to recite, among other things, that the lever “pivot[s] about a fulcrum.” Support for this amendment may be found, among other places, at paragraph [0025] and Fig. 10 of Applicant’s Specification. Neither Mencacci nor Simon teaches a lever, much less a lever that pivots about a fulcrum. The armature 3 of Mencacci, which is interpreted by the Examiner as “capable of being a lever,” is not, in fact, capable of being a lever because it is restricted to axial movement by the remaining structure of the solenoid. For the same reason, it does not and cannot pivot about a fulcrum in the manner claimed. The washer 121a of Simon, which is also interpreted by the Examiner as “capable of being a lever,” is also not capable of being a lever because it is used to lock the pressure applying device relative to a plate 130 (see

Simon col. 5, lines 6-9. Thus, it does not and cannot pivot about a fulcrum in the manner claimed.

In light of the amendments and remarks presented above, Applicants respectfully submit that amended claim 7 is allowable. Claims 8-11 are also allowable because they depend from claim 7 and because they recite additional patentable features of the invention.

For example, claim 8, which stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Simon, calls for a flexible sheet covering the aperture, said sheet being sufficiently flexible to allow the nodule to protrude from the housing. As conceded by the Examiner, none of the prior art of record teaches this structure, however the Examiner asserts that “covers” are well known for keeping working parts clean and out of sight. Applicants claims do not recite a mere cover, but recite a flexible sheet that is sufficiently flexible to allow the nodule to protrude from the housing. Applicants respectfully submit that the Examiner’s reliance without documentary support upon common knowledge associated with covers in general is not sufficient to support a *prima facie* case of obviousness with respect to the subject matter of claim 8. See MPEP 2144.03.

**CONCLUSION**

In view of the foregoing, Applicant respectfully requests allowance of the pending claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mathew G. Gavronski', written over a horizontal line.

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